

REMARKS

Claim 30 has been canceled.

The amendment of Claims 13 and 39 is supported, for example, at page 14, lines 7-19 of the specification.

New Claims 31-42 have been added as supported by the claims as originally filed.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 2-8, 11-15 and 21-42 will now be active in this application.

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **Claim 11** relates to a dewaxing additive, comprising:

(i) in polymerized form, the free-radically polymerizable monomers of Formulae A and B; and (ii) customary dewaxing additive.

Claim 14 relates to a method for solvent deparaffinization of paraffinic mineral oil distillates, comprising:

adding a dewaxing additive to said paraffinic mineral oil distillates, to obtain paraffin crystals; and

separating said paraffin crystals;

wherein said dewaxing additive comprises in polymerized form the following free-radically polymerizable monomers of Formulae A and B.

Please also note the newly added Claims 31-42.

Contrary to the Examiner's statement at page 5, lines 5 and 6 of the Office Action of September 14, 2007, Schauber and Mueller are in different fields of endeavor and are not both in the field of new polymer dewaxing additives. Dewaxing additives are very different from pour point depressants as discussed below. Accordingly, it is improper to combine both references.

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

It is an object of the present invention to provide copolymers or polymers having improved effectiveness in the solvent deparaffinization of paraffinic mineral oil distillates, in particular when used in different feedstocks and using different solvent systems. In particular, the more effective dewaxing aids should be provided very substantially on the basis of existing starting materials which should cause no substantial changes in the performance of the deparaffinization technology of crude oils or crude oil products. See page 2, 1st paragraph of the specification.

Most notably, Schauber is not in Applicants' field of endeavor and is not reasonably pertinent for providing dewaxing additives or a method for solvent deparaffinization of paraffinic mineral oil distillates using a dewaxing additive as claimed. Schauber discloses

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viscosity index improving copolymers (see the abstract) and NOT a mixture of dewaxing additives as claimed in Claim 11 and NOT a method in which paraffinic mineral oil distillates are deparaffinized by adding a dewaxing additive to said paraffinic mineral oil distillates, to obtain paraffin crystals; and separating said paraffin crystals as claimed in Claim 14.

Col. 1, lines 6-14 of Schauber state that

Lubricating oil compositions for internal combustion engines typically include polymeric additives for improving the viscosity index of the lubricating composition, that is, modifying the relationship between temperature and the viscosity of the oil composition to reduce the temperature dependence of the viscosity and to lower the "pour point" of the composition, that is, to allow the composition to remain fluid at reduced temperature.

However, pour point depressants (PPD) and dewaxing aids (DWA) are two different things as shown by the attached literature:

pour point depressant - R. M. Mortier, S. T. Orszulik; *Chemistry & Technology of Lubricants*; 1992; 6.2; 165-167; Blackie Academic & Professional; and
dewaxing aid - Th. R. Lynch; *Process Chemistry of Lubricant Base Stocks*; 2008; 6.2; 148-154; CRC Press Taylor & Francis Group.

A pour point depressant is used to improve the low temperature properties of lubricants whereas a dewaxing aid is used to improve the process in a refinery. The latter one includes the step of cutting of the wax as completely as possible from the oil. The dewaxing aid will be removed together with the wax. The dewaxed oil is then more or less free of dewaxing aid.

In contrast, a pour point depressant is not meant to remove anything it only changes the physical properties and stays within the lubricant.

Another aspect is that pour point depressants and dewaxing aids will be used at totally different positions along the crude oil - lubricant value chain.

Schauber is not in the field of applicant's endeavor and is not reasonably pertinent to the particular problem with which the inventor was concerned, namely providing "copolymers or polymers having improved effectiveness in the solvent deparaffinization of paraffinic mineral oil distillates, in particular when used in different feedstocks and using different solvent systems" (specification at page 2, 1st paragraph).

Schauber is not in the field of Mueller who discloses a method of dewaxing a wax-containing petroleum products with at least one solvent suitable for dewaxing and a polymeric dewaxing aid. (see the abstract). Schauber relates to **pour point depressants** which **stay within the lubricant** while Mueller relates to a method for dewaxing waxy petroleum products. The **dewaxing aid will be removed together with the wax. The dewaxed oil is then more or less free of dewaxing aid.**

Mueller does not disclose a mixture of dewaxing additives as claimed in Claim 11 or a method in which paraffinic mineral oil distillates are deparaffinized by adding a dewaxing additive as claimed in Claim 14 to said paraffinic mineral oil distillates, to obtain paraffin crystals; and separating said paraffin crystals.

The combination of Schauber and Mueller is improper because they are in different fields of endeavor.

Therefore, the rejection of Claims 2-8, 11-15 and 21-30 under 35 U.S.C. § 103(a) over Schauber and Mueller is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

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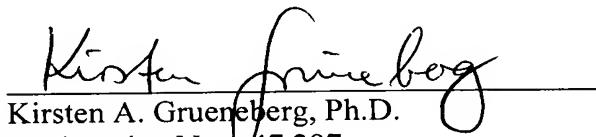
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This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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